

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x 15-cv-00447-WFK
ERIC RICHMOND,

Appellant,

P.B. #7 LLC,

Appellee,

-----x

DECLARATION IN OPPOSITION TO MOTION TO RECONSIDER

**TO: THE HONORABLE WILLIAM F. KUNTZ
UNITED STATES BANKRUPTCY JUDGE**

Pursuant to 28 U.S.C. §1746, Glenn P. Warmuth declares as follows:

1. I am a member of the law firm Stim & Warmuth, P.C., attorneys for the Appellee, P.B. #7 LLC. I am duly admitted to practice law in the State of New York and in the Eastern District of New York.

2. I respectfully submit this declaration in opposition the Debtor's motion pursuant to Rule 59 of the Federal Rules of Civil Procedure which seeks reconsideration of this Court's March 4, 2015 order ("the order").

3. Mr. Richmond argues that two identical copies of my February 26, 2015 letter appear on the docket under Docket #4 and Docket #5 and that this happened in a way that is "not discernable to this pro se litigant." The two documents are not

the same. Docket #4 is a letter I posted to the ECF system on February 26, 2015 with an /s/ signature. Docket #5 is a letter sent by UPS to the Court with an actual signature which was then posted to the ECF system by the Court.

4. Mr. Richmond argues that the Court responded to the February 26, 2015 letter twice and that the two responses were different. This is false. The Court only responded to the February 26, 2015 letter once, on February 26, 2015 when it denied the request to treat the appeal as related to other appeals. There was no second response.

5. Mr. Richmond argues that the Court dismissed the case in response to the February 26, 2015 letter. There is no evidence of this.

6. Mr. Richmond argues that there were multiple violations of Local Rule 50.3.1. This rule is not applicable to a Bankruptcy appeal. The rule applicable to Bankruptcy appeals is Rule 13(b).

7. Mr. Richmond argues that the Court does not have the right to issue *sua sponte* orders. This is incorrect. Mr. Richmond cites no law in support of his position.

Conclusion

8. Wherefore, it is respectfully requested that the motion to reconsider be denied in its entirety.

Dated: Farmingville, NY

April 9, 2015

_____/s/
GLENN P. WARMUTH
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